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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MEGAN E. FAY,

Plaintiff,

Case No.: 7:23-cv-08455-NSR

v.

MARY BARBERA,
THEODORE BROVARSKI, and
COUNTY OF ROCKLAND,

Defendants.
----- x

**DEFENDANTS' NOTICE OF MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12(b)(6) AND
MOTION TO STAY DISCOVERY PURSUANT TO FED. R. CIV. P. 26(c)**

Defendants, by and through their attorneys, Lippes Mathias LLP, hereby move this Court for an Order dismissing the Causes of Action and Prayer for Relief, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6) and staying discovery pending the resolution of Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 26(c). This Motion is based upon the accompanying Declaration of Amy Habib Rittling, Esq. and Memorandum of Law. Please be advised that Defendants intend to file a Reply to any Response submitted by Plaintiff.

WHEREFORE, Defendants respectfully request that this Court grant their Motion and dismiss the aforementioned Causes of Action with prejudice, and stay discovery pending the resolution of Defendants' motion to dismiss, together with any other and further relief this Court deems necessary and proper.

MEMO ENDORSED

Dated: January 17, 2024

Respectfully submitted,

LIPPES MATHIAS LLP

/s Amy Habib. Rittling

Amy Habib Rittling, Esq.

Attorney for Defendants

Mary Barbera,

Theodore Brovarski, and

County of Rockland

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Defendants' motion is DENIED without prejudice to renew. Defendants are directed to the Court's Memorandum Endorsement dated December 4, 2023, located at ECF No. 22. All papers are to be filed on the reply date, March 18, 2024. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 23.

**Dated: January 18, 2024
White Plains, NY**

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE